Legal
Services
Society

British Columbia
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News Release

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Report recommends legal aid rate improvements

Vancouver, BC — A report recommending improvements to compensation for lawyers who represent legal aid clients was released today by the Legal Services Society.

The report, *Managing for Results: LSS Tariff Renewal*, follows an extensive review of the society's tariffs – the system that governs what work lawyers are paid for and their rates of pay. LSS initiated the review last year in response to concerns that the steadily declining number of lawyers willing to accept legal aid cases, and the lack of new lawyers entering the system, could be impeding the society's ability to respond to the needs of low income people.

The recommendations are designed to encourage lawyers to take legal aid cases and to support them in providing quality services to clients.

"LSS is committed to improving the tariff system, and earlier this year we initiated several of the report's recommendations," said LSS Executive Director Mark Benton. "We are looking closely at the report to determine what further changes we can make."

The report recommends that LSS–

- adopt results-based management of the tariff system (i.e., shift the focus from activities undertaken to results achieved);
- adopt a principled approach to tariff compensation;
- consider a variety of tariff structure adjustments to remedy problems, improve compensation, and enhance results; and
- continue with existing contracted services (e.g., in areas such as mental health law, prison law, duty counsel, circuit courts, and the Brydges advice line) and selectively use this kind of contracting in other service areas as appropriate – but refrain from extending a competitive bidding approach to the overall tariff system.

The board has asked for additional information on the principled tariff rate. That approach involves consideration of a number of proposals, including selecting and adopting a percentage of the average compensation lawyers receive from private clients of modest means as a target for legal aid rates.

LSS is an independent, non-profit organization that has provided legal aid to people with low incomes in BC since 1979. Legal aid services include legal representation, advice, and information.

Legal representation is available for serious family issues (e.g., involving child apprehension matters or domestic violence) and serious criminal problems. It is also available for some immigration, mental health law, and prison law matters.

Legal advice is available through criminal duty counsel in all courts, family duty counsel in provincial courts and some supreme courts, the Brydges Line, and LawLINE.

Legal information is available through LawLINE, plain language publications, and Internet services, including the Electronic Law Library, Family Law in British Columbia, LSS, and LawLINK websites.

*To contact the **LSS Call Centre and LawLINE**, dial: (604) 408-2172 (Lower Mainland) or 1-866-577-2525 (toll free from outside the Lower Mainland).*

To access the society's websites, go to www.lss.bc.ca.

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"The report makes a strong case for a principled tariff rate," said LSS Board Chair Geoffrey Cowper, QC. "The board has asked LSS management to further evaluate how this might be achieved, for its future consideration."

The review involved a series of consultations with lawyers, judges and other justice system participants, as well as community representatives and LSS staff.

"What we heard was consistent with the feedback we received from a survey of tariff lawyers last year," said Benton. Common concerns included the need for an efficient tariff system that promotes better results for legal aid clients, the society, and the justice system as a whole," he said.

Key findings in the report include:

- Since 1993/1994, the number of lawyers accepting legal aid referrals has declined by 50%.
- Since 1990/1991, the average years of experience among tariff lawyers has increased from 8.9 to 15.9.
- Average annual billings per lawyer were about $30,000 in 2004/2005, and have been in that range for the past five years.
- More than ¾ of lawyers bill the society less than $50,000 annually.
- The median hourly rate tariff lawyers charge private clients of modest means is $175.
- The $80 /hour legal aid rate is below the average overhead costs for lawyers of $85/hour.
- The $80/hour legal aid rate represents $63 in 1991 dollars (the last time rates were increased). During the same period, Crown counsel and Provincial Court judges have received salary increases of 19 – 37% and 56.5% respectively, and will receive further substantial increases next year.

For further information, see the full report, Managing for Results: LSS Tariff Renewal (fourth bullet under Tariff Resources)*; the backgrounder,* Legal Aid Tariff Renewal: 2005*; and/or contact:*

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